

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER GRANTING MOTION TO SEAL PORTIONS OF THE
MOTIONS TO EXCLUDE CERTAIN OPINIONS OF DR. GARY
CRAKES AND DR. MIRA JOURDAN, AND CERTAIN
ACCOMPANYING EXHIBITS [2905]**

Before the Court is Veolia North America, LLC, Veolia North America, Inc., and Veolia North America Operating Services, LLC's ("VNA") Motion to Seal Motions to Exclude Certain Opinions of Dr. Gary Crakes and Dr. Mira Jourdan, and Certain Accompanying Exhibits ("Motion to Seal"). (ECF No. 2905.) This Motion to Seal asks the Court to seal portions of two motions, as well as to provisionally seal certain attached exhibits, because they were designated as "either 'Confidential' or 'Highly Confidential' under this Court's Confidentiality Order, as they include . . . identifying information of minor children and their medical

conditions.” (*Id.* at PageID.95121–95122.) Under Local Rule 7.1, Plaintiffs consented to the relief VNA requests. (ECF No. 2905, PageID.95122.)

Eastern District of Michigan Local Rule 5.3 governs civil material filed under seal or with redactions. “There is a strong presumption in favor of open judicial records.” *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016). A request for a seal must be “narrowly tailored . . . in accord with applicable law.” E.D. Mich. LR 5.3(b)(2).

The Court may grant a motion to seal or redact “only upon a finding of a compelling reason why certain documents or portions thereof should be sealed.” *Id.* at (b)(3)(B)(i). The Court must make its decision based on the following three factors: “why the interests in support of nondisclosure are compelling, why the interests supporting access are less so, and why the seal itself is no broader than necessary[.]” *Shane Grp.*, 925 F.3d at 306.

The Court finds that there is an interest in protecting these children from identification at this stage in the litigation. Moreover, Federal Rule of Civil Procedure 5.2(a) contemplates this interest where

it states that any filing with the Court that contains the name of an individual known to be a minor “may include only . . . the minor’s initials.” *Id.* The redactions at issue will not prevent the public from assessing the record the Court relies upon in its decisions. *Shane Group*, 825 F.3d at 305. As to medical and sensitive personal information, the Court finds that such information remains confidential for the same reasons set forth in its previous orders related to this type of material. (*See, e.g.*, ECF Nos. 1290, 1916, 1928, 2392, 2719.) The same analysis and reasoning applies here in favor of sealing in a narrowly tailored manner.

Accordingly, VNA’s motion to seal is granted.

IT IS SO ORDERED.

Dated: April 1, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 1, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager